

Pub. L. 102-40, §402(d)(1), substituted “5110(g)” for “3010(g)”.

Subsec. (e). Pub. L. 102-54, §14(d)(8)(B), amended section as in effect immediately before the enactment of Pub. L. 102-40 by striking out subsec. (e) which read as follows: “No apportionment award under subsection (b) of this section shall be made in any case after the date of enactment of this subsection.”

1986—Subsec. (c). Pub. L. 99-576, §701(83)(A), substituted “the veteran’s” for “his”.

Subsec. (d)(2). Pub. L. 99-576, §701(83)(B), substituted “the Administrator” for “he” in two places in second sentence.

1983—Subsec. (b). Pub. L. 98-160 substituted “the right” for “his right”, “the veteran’s spouse” for “his wife”, and “spouse” for “wife” in two places.

1972—Subsec. (d). Pub. L. 92-328 designated existing provisions as par. (1) and added par. (2).

1969—Subsec. (d). Pub. L. 91-24 substituted “September 1, 1959” for “the date of enactment of this subsection” wherever appearing.

1959—Subsecs. (d) and (e). Pub. L. 86-222 added subsecs. (d) and (e).

#### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-328 effective June 30, 1972, see section 301(c) of Pub. L. 92-328, set out as a note under section 3713 of this title.

### § 6104. Forfeiture for treason

(a) Any person shown by evidence satisfactory to the Secretary to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future gratuitous benefits under laws administered by the Secretary.

(b) The Secretary, in the Secretary’s discretion, may apportion and pay any part of benefits forfeited under subsection (a) to the dependents of the person forfeiting such benefits. No dependent of any person shall receive benefits by reason of this subsection in excess of the amount to which the dependent would be entitled if such person were dead.

(c) In the case of any forfeiture under this section there shall be no authority after September 1, 1959 (1) to make an apportionment award pursuant to subsection (b) or (2) to make an award to any person of gratuitous benefits based on any period of military, naval, or air service commencing before the date of commission of the offense.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1240, §3504; Pub. L. 86-222, §2, Sept. 1, 1959, 73 Stat. 452; Pub. L. 91-24, §13(b), June 11, 1969, 83 Stat. 34; Pub. L. 97-295, §4(78), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 99-576, title VII, §701(84), Oct. 28, 1986, 100 Stat. 3298; renumbered §6104, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405.)

#### AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3504 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration”.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s”.

1986—Subsec. (b). Pub. L. 99-576 substituted “the Administrator’s” for “his” and “the dependent” for “he”.

1982—Subsec. (a). Pub. L. 97-295 inserted “to” before “be guilty”.

1969—Subsec. (c). Pub. L. 91-24 substituted “September 1, 1959” for “the date of enactment of this subsection”.

1959—Subsec. (c). Pub. L. 86-222 added subsec. (c).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6103 of this title.

### § 6105. Forfeiture for subversive activities

(a) Any individual who is convicted after September 1, 1959, of any offense listed in subsection (b) of this section shall, from and after the date of commission of such offense, have no right to gratuitous benefits (including the right to burial in a national cemetery) under laws administered by the Secretary based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such individual. After receipt of notice of the return of an indictment for such an offense the Secretary shall suspend payment of such gratuitous benefits pending disposition of the criminal proceedings. If any individual whose right to benefits has been terminated pursuant to this section is granted a pardon of the offense by the President of the United States, the right to such benefits shall be restored as of the date of such pardon.

(b) The offenses referred to in subsection (a) of this section are those offenses for which punishment is prescribed in—

(1) sections 894, 904, and 906 of title 10 (articles 94, 104, and 106 of the Uniform Code of Military Justice);

(2) sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18;

(3) sections 222, 223, 224, 225, and 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2272, 2273, 2274, 2275, and 2276); and

(4) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783).

(c) The Secretary of Defense or the Secretary of Homeland Security, as appropriate, shall notify the Secretary in each case in which an individual is convicted of an offense listed in paragraph (1) of subsection (b). The Attorney General shall notify the Secretary in each case in which an individual is indicted or convicted of an offense listed in paragraph (2), (3), or (4) of subsection (b).

(Added Pub. L. 86-222, §3(a), Sept. 1, 1959, 73 Stat. 453, §3505; amended Pub. L. 92-128, §2(c), Sept. 25, 1971, 85 Stat. 348; Pub. L. 93-43, §8, June 18, 1973, 87 Stat. 88; Pub. L. 97-295, §4(79), Oct. 12, 1982, 96 Stat. 1311; renumbered §6105, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-54, §14(d)(9), June 13, 1991, 105 Stat. 287; Pub. L. 102-83, §4(a)(1), (2)(A)(xiv), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405; Pub. L. 103-446, title XII, §1201(e)(19), Nov. 2, 1994, 108 Stat. 4686; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315.)

#### AMENDMENTS

2002—Subsec. (c). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

1994—Subsec. (c). Pub. L. 103-446 substituted “paragraph (2), (3), or (4) of subsection (b)” for “clauses (2),

(3), or (4) of subsection (b) of this section" and "paragraph (1) of subsection (b)" for "clause (1) of that subsection" and transposed the first and second sentences.

1991—Pub. L. 102-40 renumbered section 3505 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(a)(2)(A)(xiv), substituted "Secretary" for "Veterans' Administration" in second sentence.

Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration" in first sentence.

Subsec. (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-54 amended subsec. (c) as in effect immediately before the enactment of Pub. L. 102-40 by substituting "clauses (2)," for "clauses (1)," "Secretary of Transportation, as" for "Secretary of the Treasury, as may be", and "clause (1) of that subsection" for "clause (2) of subsection (b) of this section".

1982—Subsec. (a). Pub. L. 97-295, §4(79)(A), substituted "September 1, 1959," for "the date of enactment of this section".

Subsec. (b). Pub. L. 97-295, §4(79)(B), substituted pars. (1), (2), and (3) for cls. (2), (1), and (3), respectively, and inserted citations to the United States Code.

1973—Subsec. (a). Pub. L. 93-43 inserted "(including the right to burial in a national cemetery)" after "gratuitous benefits" in first sentence.

1971—Subsec. (b)(4). Pub. L. 92-128 substituted "in section 4 of the Internal Security Act of 1950" for "in the following sections of the Internal Security Act of 1950; sections 4, 112, and 113".

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-43 effective June 18, 1973, see section 10(a) of Pub. L. 93-43, set out as an Effective Date note under section 2400 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2402 of this title.

## PART V—BOARDS, ADMINISTRATIONS, AND SERVICES

Chap.		Sec.
71.	Board of Veterans' Appeals .....	7101
72.	United States Court of Appeals for Veterans Claims .....	7251
73.	Veterans Health Administration—Organization and Functions .....	7301
74.	Veterans Health Administration—Personnel .....	7401
76.	Health Professionals Educational Assistance Program .....	7601
77.	Veterans Benefits Administration .....	7701
78.	Veterans' Canteen Service .....	7801

#### AMENDMENTS

1998—Pub. L. 105-368, title V, §512(a)(4)(B), Nov. 11, 1998, 112 Stat. 3341, substituted "Appeals for Veterans Claims" for "Veterans Appeals" in item for chapter 72.

1991—Pub. L. 102-83, §2(d)(3), Aug. 6, 1991, 105 Stat. 402, added item for chapter 77.

Pub. L. 102-54, §14(e)(1), June 13, 1991, 105 Stat. 287, inserted "United States" before "Court of Veterans Appeals" in item for chapter 72.

Pub. L. 102-40, title IV, §§402(c)(2), 403(e)(1), (f)(2), May 7, 1991, 105 Stat. 239-241, substituted "BOARDS, ADMINISTRATIONS, AND SERVICES" for "BOARDS AND DEPARTMENTS" in part heading, renumbered section numbers by substituting "7101" for "4001" in

item for chapter 71, "7251" for "4051" in item for chapter 72, and "7601" for "4301" in item for chapter 76, substituted "Veterans Health Administration—Organization and Functions" for "Department of Medicine and Surgery" and "7301" for "4101" in item for chapter 73, added item for chapter 74, struck out item for chapter 75 "Veterans' Canteen Service", and added item for chapter 78.

1988—Pub. L. 100-687, div. A, title III, §301(b), Nov. 18, 1988, 102 Stat. 4121, added item for chapter 72.

Pub. L. 100-322, title II, §216(e)(2), May 20, 1988, 102 Stat. 530, added item for chapter 76.

## CHAPTER 71—BOARD OF VETERANS' APPEALS

#### Sec.

7101.	Composition of Board of Veterans' Appeals.
7101A.	Members of Board: appointment; pay; performance review.
7102.	Assignment of members of Board.
7103.	Reconsideration; correction of obvious errors.
7104.	Jurisdiction of the Board.
7105.	Filing of notice of disagreement and appeal.
7105A.	Simultaneously contested claims.
7106.	Administrative appeals.
7107.	Appeals: dockets; hearings.
7108.	Rejection of applications.
7109.	Independent medical opinions.
[7110.]	Repealed.]
7111.	Revision of decisions on grounds of clear and unmistakable error.

#### AMENDMENTS

1997—Pub. L. 105-111, §1(b)(2), Nov. 21, 1997, 111 Stat. 2272, added item 7111.

1994—Pub. L. 103-446, title II, §201(a)(2), Nov. 2, 1994, 108 Stat. 4656, added item 7101A.

Pub. L. 103-271, §§6(b), 7(a)(2), (b)(3), July 1, 1994, 108 Stat. 742, 743, substituted "Reconsideration; correction of obvious errors" for "Determinations by the Board" in item 7103, substituted "Appeals: dockets; hearings" for "Docketing of appeals" in item 7107, and struck out item 7110 "Traveling sections".

1991—Pub. L. 102-40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 4001 to 4010 as 7101 to 7110, respectively.

1988—Pub. L. 100-687, div. A, title II, §207(b), Nov. 18, 1988, 102 Stat. 4112, added item 4010.

1962—Pub. L. 87-671, §3, Sept. 19, 1962, 76 Stat. 557, added item 4009.

Pub. L. 87-666, §2, Sept. 19, 1962, 76 Stat. 554, added item 4005A, and substituted "Filing of notice of disagreement and appeal" for "Applications for review on appeal" in item 4005, "Administrative appeals" for "Docketing of appeals" in item 4006, and "Docketing of appeals" for "Simultaneously contested claims" in item 4007.

## § 7101. Composition of Board of Veterans' Appeals

(a) There is in the Department a Board of Veterans' Appeals (hereinafter in this chapter referred to as the "Board"). The Board is under the administrative control and supervision of a chairman directly responsible to the Secretary. The Board shall consist of a Chairman, a Vice Chairman, and such number of members as may be found necessary in order to conduct hearings and dispose of appeals properly before the Board in a timely manner. The Board shall have such other professional, administrative, clerical, and stenographic personnel as are necessary in conducting hearings and considering and disposing of appeals properly before the Board. The Board shall have sufficient personnel under the preceding sentence to enable the Board to conduct